

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL DOUGLAS VOELLER,

Defendant.

CR 19–22–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on October 3, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. §

636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm

conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000).

Judge Cavan recommended this Court accept Michael Douglas Voeller’s

guilty plea after Voeller appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1) as charged in Count II of the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 65), and I adopt them in full.

Accordingly, IT IS ORDERED that Michael Douglas Voeller's motion to change plea (Doc. 49) is GRANTED and Michael Douglas Voeller is adjudged guilty as charged in Count II of the Indictment.

DATED this 24th day of October, 2019.



Dana L. Christensen, Chief District Judge
United States District Court